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HOUSE BILL 605
By DeBerry L

AN ACT to enact the Education and Prevention Program for
Hepatitis C Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Education and
Prevention Program for Hepatitis C Act."

SECTION 2. The department of health shall develop a program to heighten awareness
and enhance knowledge and understanding of hepatitis C. The department shall:

(1) Conduct a seroprevalence study to estimate the current and future impact of
hepatitis C on the state;

(2) Conduct health education, public awareness, and community outreach
activities to promote public awareness and knowledge about the risk factors, the value of
early detection, available screening services, and the options available for the treatment
of hepatitis C;

(3) Provide training to public health clinic staff regarding the treatment, detection,
and methods of transmission of hepatitis C;

(4) Identify to health care providers and employers the benefits of disease
awareness and prevention; and

(5) Develop a prevention program to reduce the risk of transmission of hepatitis

C.

SECTION 3.

(a) The department shall establish voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under in each public health region to make confidential counseling and testing available.

(b) The department may contract with public and private entities to perform the testing as necessary according to local circumstances.

(c) The results of a test conducted by a testing program or a department program under this section may not be used for insurance purposes, to screen or determine suitability for employment, or to discharge a person from employment.

(d) A person who intentionally violates subsection (c) is liable to a person injured by the violation. The injured person may bring a civil action for damages and may recover for each violation from a person who violates subsection (c):

(1) The greater of one thousand dollars (\$1,000) or actual damages; and

(2) Reasonable attorney's fees.

(e) In addition to the remedies provided by subsection (d), the person may bring an action to restrain a violation or threatened violation of subsection (c).

SECTION 4.

(a) The department shall develop and offer a training course for people who provide hepatitis C counseling. The training course must include information relating to the special needs of people with positive hepatitis C test results, including the importance of early intervention and treatment and recognition of psychosocial needs.

(b) The department shall maintain a registry of people who successfully complete the training course.

(c) The department may charge a fee for the course to people other than employees of entities receiving state or federal funds for hepatitis C counseling and testing programs through a contract with the department. The department shall set the fee in an amount to cover the costs of providing the course.

(d) The department may contract for the training of counselors.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.